

CASE LOMBARDI & PETTIT
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WIHC LLC dba ALOHA TOXICOLOGY

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

WIHC LLC dba ALOHA
TOXICOLOGY,

Plaintiff,

vs.

NEXTGEN LABORATORIES, INC.,
OHANA GENETICS, INC., HEIDI
MAKI, STEPHANIE SIMBULAN,
and DOE DEFENDANTS 1 – 20,

Defendants.

CIVIL NO. 1:18-cv-00261-JMS-RLP
(18 U.S.C. §§ 1836 and 1962)

**PLAINTIFF WIHC LLC dba
ALOHA TOXICOLOGY'S
FOURTH MOTION FOR
EXTENSION OF TIME TO
SUBMIT RULE 65 SECURITY
BOND; EXHIBIT A;
CERTIFICATE OF SERVICE**

Judge: Honorable Michael J. Seabright

**PLAINTIFF WIHC LLC dba ALOHA
TOXICOLOGY'S FOURTH MOTION FOR EXTENSION
OF TIME TO SUBMIT RULE 65 SECURITY BOND**

Plaintiff WIHC LLC dba ALOHA TOXICOLOGY ("Aloha Toxicology" or "Plaintiff"), by and through its attorneys, Case Lombardi & Pettit, respectfully submits this Third Motion for Extension of Time to Submit Rule 65 Bond (the "Motion"):

1. On October 4, 2018, Aloha Toxicology filed a Motion for Extension of Time to Submit Rule 65 Security Bond, which was based on delays in obtaining a bond. See Docket No. 69. The Court granted the Motion on October 5, 2018 and extended the deadline to October 19, 2018. See Docket No. 70.
2. On October 19, 2018, Aloha Toxicology filed a Second Motion for Extension of Time to Submit Rule 65 Security Bond, which was based on ongoing delays in obtaining a bond. See Docket No. 77. The Court granted the Motion on October 22, 2018 and extended the deadline to November 2, 2018. See Docket No. 78.
3. On November 2, 2018, Aloha Toxicology files a Third Motion for Extension of Time to Submit Rule 65 Security Bond, which was based on ongoing delays in obtaining a bond. See Docket No. 80. The Court granted the Motion on November 5, 2018 and extended the deadline to November 16, 2018. See Docket No. 82.

4. Aloha Toxicology has continued diligently working on finalizing the bond process, but has been unable to complete that process by November 16, 2018.

5. As stated in the other motions, there are three documents that need to be executed: (a) A letter of credit, (b) a Zurich American Insurance's ("Zurich") General Indemnity Agreement, and (c) a bond form (to be drafted and executed after the letter of credit is executed).

6. The Aloha Toxicology members have executed Zurich's General Indemnity Agreement.

7. Chase Consumer Banking Company ("Chase") has agreed to issue the letter of credit to secure the bond.

8. Chase and the insurance carrier, Zurich, have both approved the draft letter of credit to be issued to WIHC LLC.

9. The bond will be secured by real property located in Hawaii. Chase expects to receive the valuation of Aloha Toxicology's real property by November 28, 2018. See Exhibit A (Emails from Michael J. Showalter to Stephanie Segovia, Esq., dated November 13, 2018 and November 16, 2018).

10. While Chase is awaiting the valuation of Aloha Toxicology's real property, Chase is currently vetting real estate firms in the state of Hawaii to complete the transaction. See Exhibit A.

11. On November 16, 2018, Michael Showalter explained the challenge of providing a timeline for the closing of the transaction. See Exhibit A.

12. WHEREFORE, Plaintiff Aloha Toxicology respectfully moves for an extension of time to submit Rule 65 bond as follows:

A. Aloha Toxicology respectfully requests an extension of time to provide the bond from November 16, 2018 to December 7, 2018.

B. That the Court grant such other relief as shall be appropriate.

DATED: Honolulu, Hawaii, November 16, 2018.

/s/ Mark G. Valencia
MARK G. VALENCIA
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Attorneys for Plaintiff
**WIHC LLC dba ALOHA
TOXICOLOGY**